

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

**J. CASARETTI; and FEDERAL AIR
MARSHALS 6500 TO 10000,**

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 15-294 C

Judge V. Wolski

MOTION TO FILE UNREDACTED CONSENTS UNDER SEAL

Original Plaintiff J. Casaretti, and Opt-In Plaintiffs Federal Air Marshals 6500 to 10000 (collectively “Plaintiffs”), by their undersigned attorney, for this Motion to File Consents Under Seal, state as follows:

1. Plaintiffs Complaint was filed on March 23, 2015.
2. Paragraph 7 of the Complaint alleges:

With the exception of Original Plaintiff J. Casaretti, Plaintiffs file this action as a “John Doe” complaint since public disclosure of their names may compromise national security or endanger their personal safety. In addition, Plaintiffs file this complaint anonymously because numerous Federal Air Marshals have been threatened with retaliation if they prosecute an action seeking compensation to which they are lawfully entitled.

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3. Paragraph 8 of the Complaint alleges:

Plaintiffs, with the exception of Original Plaintiff J. Casaretti, are anonymously designated as Federal Air Marshals 6500 to 10000 because public disclosure of their names may compromise national security and/or endanger flight safety, Plaintiffs' lives, and the lives of others. Contemporaneously with the filing of this Complaint or as soon thereafter as is practicable, each Plaintiff will file under seal of the Clerk of the Court signed written consent to join this action as a plaintiff pursuant to 29 U.S.C. § 216(b). The numbering sequence for the Plaintiffs in this action begins with 6500 because of the existence of and to avoid confusion with the numbering sequence assigned to Federal Air Marshals in four other lawsuits filed in this Court as follows: (1) 2006 C 233, filed on behalf of Federal Air Marshals "1 et al."; (2) 2008 C 105, filed on behalf of Federal Air Marshals 1806 to 1833; (3) 2010 C 374, filed on behalf of Federal Air Marshals 3101 to 3114; and (4) 2001 C 613, filed on behalf of Federal Air Marshals 5001-5093.

4. In determining when an action is commenced for the purposes of an action commenced under the Fair Labor Standards Act, it shall be considered to be commenced in the case of an individual claimant (a) on the date when the complaint is filed, if he is specifically named a party plaintiff in the complaint and his written consent to become a party plaintiff is

filed on such date in the court in which the action is brought; or (b) if such written consent was not so filed or if his name did not appear – on the subsequent date on which such written consent is filed in the court in which the action is commenced. 29 U.S.C.A. § 256. Thus, consents filed after the filing of a complaint brought under the Fair Labor Standards Act do not relate back to the date the Complaint was filed.

5. Since the filing of the complaint in this action, Federal Air Marshals have consented to be included in this collective action for unpaid wages.

6. If Plaintiffs' consents were filed unsealed, the names of the Plaintiffs would be revealed thereby potentially threatening national security, endanger commercial flight safety, or violating agency policy regarding disclosure of Sensitive Security Information ("SSI").

7. By way of this motion, Plaintiffs seek to file consent Nos. 6500 – 7000 under seal.

8. **In addition, in the interests of efficiency and judicial economy, Plaintiffs request an order allowing all future consents to be filed under seal without a preceding motion.**

9. In order to ensure that the Clerk of the Court has a full record of the names of the Plaintiffs yet preserve the identity of the Plaintiffs for public disclosure, Plaintiffs move the Court to allow Plaintiffs to file unredacted consents **under seal**.

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WHEREFORE, Plaintiffs respectfully pray for an order that permits Plaintiffs to file unredacted consents under seal.

RESPECTFULLY SUBMITTED,

By: 

Nicholas M. Wieczorek
Attorneys for Plaintiffs

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Date: April 22, 2015